IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 414 (SS) of 2007

Ram Autar Singh,
S/o Sri Nihal Singh,
Presently working as
Assistant Teacher L.T. Grade,
Government Higher Secondary School,
Hudoli,
District-Uttarakashi. .....**Petitioner**

Versus

1 State of Uttarakhand through Secretary, Education, Dehradun.
2 Director, Vidyalayi Shiksha, Uttarakhand, Mayur Vihar, Dehradun.
3 District Education Officer, District –Uttarkashi.

…….**Respondents**

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rajeev Sharma, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

1. *issue a writ order or direction in the nature of Mandamus commanding and directing the respondents to promote the petitioner on the post of Lecturer Economics on the basis of his eligibility and seniority forthwith and to pay all consequential benefits accordingly.*
2. *issue a writ order or direction in the nature of Mandamus commanding and directing the respondents to decide the representation of the petitioners dated 04.10.2006 (annexure no. 6 of the present writ petition)*

3. *issue any other order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*
4. *award the cost of the petitioner in favour of the petitioner.*

The stand of the petitioner is that petitioner was appointed along with one Sri Rakesh Kumar Dev as Assistant Teacher LT Grade in the pay scale of Rs. 1400-2300 vide order dated 27.08.1996 passed by respondents. Name of Sri Rakesh Kumar Dev, finds place in the seniority list at serial number 24 whereas the name of the petitioner finds place at serial number 21. Though Sri Rakesh Kumar Dev is junior to the petitioner, he has been promoted by the respondents on the post of Lecturer Economics whereas petitioner who is senior to Sri Rakesh Kumar Dev, has been left out. Further, Sri Rakh Kumar Dev, is only B.A., B.Ed., and as such, he could not have been promoted to the post of Lecturer. In this respect, petitioner has already moved representation to the Director, School Education, Dehradun on 04.10.2006. The representation was duly forwarded by the Principle, Government Inter College, Hudoli, Uttarkashi, however, respondent no. 2 has yet not taken any action on the representation of the petitioner.

During the course of argument, learned counsel for the petitioner has prayed that writ petition may be disposed of with a direction to respondent no. 2 to take decision on the representation of the petitioner dated 04.10.2006 (annexed as Annexure no. 6 to the writ petition) within a time prescribed by this Hon'ble Court.

The prayer is innocuous. Accordingly, I direct the respondent no. 2 i.e. Director, School Education, Dehradun to

decide the representation of the petitioner dated 04.10.2006 (annexed as Annexure no. 6 to the writ petition) within a period of four weeks from the date of production of certified copy of this order.

With this direction, writ petition is finally disposed of. No order as to costs.

(M. M. Ghildiyal, J)

April 23, 2007
SKSharma